

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SABRINA DEVITA,

Plaintiff,

-against-

MOUNT SINAI HOSPITAL, et al.,

Defendants.

22-CV-9826 (VSB)

ORDER OF SERVICE

VERNON S. BRODERICK, United States District Judge:

Plaintiff, who is proceeding *pro se*, paid the filing fees to commence this action.

The Clerk of Court is directed to issue summonses as to Defendants Mount Sinai Hospital, Mardisa Samson Ramon, Celia Wells, Sonia Nelson, and Jeff Cohen. Plaintiff is directed to serve the summons and complaint on each defendant within 90 days of the issuance of the summonses. If within those 90 days, Plaintiff has not either served Defendants or requested an extension of time to do so, the Court may dismiss the claims against Defendants under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

Plaintiff submitted an application for the Court to request *pro bono* counsel. (ECF 3.) The factors to be considered in ruling on an indigent litigant's request for counsel include the merits of the case, Plaintiff's efforts to obtain a lawyer, and Plaintiff's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of these, the merits are "[t]he factor which command[s] the most attention." *Cooper*, 877 F.2d at 172. Because it is too early in the proceedings for the Court to assess the merits of the action, Plaintiff's motion for counsel is denied without prejudice to renewal at a later date.

### CONCLUSION


The Clerk of Court is instructed to issue summonses to Plaintiff for service on Defendants Mount Sinai Hospital, Mardisa Samson Ramon, Celia Wells, Sonia Nelson, and Jeff Cohen. The Clerk of Court is also directed to mail an information package to Plaintiff.

The Court denies Plaintiff's application for the Court to request *pro bono* counsel (ECF 3) without prejudice to renewal later.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: 1/11/2023  
New York, New York



VERNON S. BRODERICK  
United States District Judge